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Attorneys for defendant Corporation of the Presiding Bishop of The Church of Jesus Christ of Latter-day Saints dba Deseret Industries

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF UTAH**

KRISTINA ZEMAITIENE, individually,

Plaintiff,

v.

SALT LAKE COUNTY, POLICE CHIEF
JAMES WINDER, UNIFIED POLICE
DEPARTMENT OF GREATER SALT
LAKE, CITY OF TAYLORSVILLE
PECINCT CHIEF TRACY WYANT,
CORPORATION OF THE PRESIDING
BISHOP OF THE CHURCH OF JESUS
CHRIST OF LATTER-DAY SAINTS, a
Utah corporation sole, dba Deseret
Industries; POLICE OFFICERS JOEL
KNIGHTON AND DENISE
LOVENDAHL,

Defendants.

**DEFENDANT CORPORATION OF
THE PRESIDING BISHOP OF THE
CHURCH OF JESUS CHRIST OF
LATTER-DAY SAINTS'S MOTION
FOR SUMMARY JUDGMENT**

Case No. 2:17-cv-00007

Judge Dale A. Kimball
Magistrate Judge Jared C. Bennett

I. INTRODUCTION AND RELIEF SOUGHT

Defendant Corporation of the Presiding Bishop of The Church of Jesus Christ of Latter-day Saints dba Deseret Industries¹ (“Deseret Industries” or “Defendant”) pursuant to Federal Rule of Civil Procedure 56(a) and DUCivR 56-1, moves for summary judgment on all of Plaintiff Kristina Zemaitiene’s (“Plaintiff”) claims brought against Deseret Industries in the underlying Complaint.

Plaintiff alleges violations of her federal constitutional rights, as well as several state causes of action relative to her arrest on Deseret Industries’s property and her subsequent prosecution and conviction after she interfered with two off-duty police officers while they attempted to arrest a shoplifter. Plaintiff brought her various state tort claims and claims under 42 U.S.C. Section 1983 against Deseret Industries, two employees of Deseret Industries, the off-duty police officers, the company that employed the officers, and several state agencies. All defendants apart from Deseret Industries have since been dismissed from this case. The only Causes of Action remaining against Deseret Industries are the Seventh (a Section 1983 claim for civil conspiracy to violate the Equal Protection Clause of the Fourteenth Amendment), the Eighth (a Section 1983 claim for deliberately indifferent practices and policies allegedly in violation of several Constitutional rights), and the Seventeenth (a respondeat superior claim relative to the underlying actions of the off-duty police officers).

The record demonstrates no genuine issue of material fact upon which Deseret Industries may be subject to Section 1983 liability; Plaintiff’s Section 1983 claims are barred, as this Court has already determined, due to her conviction on the charges underlying her claims. Even if the

¹ Since Plaintiff filed this lawsuit, Defendant’s legal name has been changed to “The Church of Jesus Christ of Latter-day Saints, a Utah Corporation Sole.

claims were not barred, Plaintiff cannot demonstrate that Deseret Industries acted under the color of state authority or that any of her complained-of injuries were a result of Deseret Industries's policies or procedures, sufficient to render Deseret Industries an appropriate Section 1983 defendant.

Finally, Plaintiff's respondeat superior claims must be dismissed, as the claims against each of the individuals through which Plaintiff asserts respondeat superior have already been dismissed. But even if Plaintiff could maintain her claims against the off-duty officers or government agencies, all of the actions relative to her arrest and conviction were done either by independent contractors or by entirely independent state agencies and were in no way performed under the supervision, policies, or procedures of Deseret Industries. Accordingly, all of Plaintiff's claims against Deseret Industries must be dismissed.

II. BACKGROUND

Plaintiff, began working for Deseret Industries in November of 2013 as a part of Deseret Industries's Associate Training Program. On December 27, 2014, Joel Knighton and Denise Lovendahl attempted to arrest a suspected shoplifter in Deseret Industries's parking lot. Knighton and Lovendahl were not employees of Deseret Industries but rather off-duty police officers who were dispatched to Deseret Industries as security personnel by Off Duty Services, Inc., a third party company with whom Deseret Industries contracts for this purpose.

Unbeknownst to Deseret Industries, Knighton and Lovendahl were in pursuit of the suspected shoplifter when they were interrupted by Defendant, who very aggressively attempted to stop Knighton and Lovendahl from apprehending the suspect. Knighton and Lovendahl assert that they repeatedly informed Plaintiff that they were police officers, showing her their badges, and demanding that she not interfere with their attempt to apprehend the suspect. Plaintiff

reportedly refused to comply with Knighton's and Lovendahl's direction, charging at the officers, yelling at them, and grabbing Lovendahl's arm. Because of Plaintiff's interference in the incident, the suspect escaped to his car and drove away.

Plaintiff contends that the police officers "chest-bumped" her when she interfered with the arrest. The officers retreated to the store to inform Deseret Industries management of the incident that had taken place in the parking lot. Plaintiff followed them. Once inside, Knighton, Lovendahl, and Plaintiff each attempted to explain to Deseret Industries management their version of the story. Deseret Industries management spoke with the officers and with Plaintiff; Plaintiff states that she told management that one of the officers sexually assaulted her during the altercation when she chest-bumped Plaintiff.

The officers ultimately arrested Plaintiff for interfering with an arrest; they also trespassed Plaintiff from all Deseret Industries stores. On January 2, 2015, Plaintiff sent Deseret Industries a letter of resignation. Plaintiff was convicted after a bench trial on March 27, 2017 and was subsequently unsuccessful on her several attempts at appeal.

Plaintiff thereafter filed her Complaint and then Amended Complaint against Deseret Industries, Deseret Industries's supervising employees who were at the store on the day of Plaintiff's arrest, the arresting officers, Off-Duty Services, and some state agencies. All of the claims in Plaintiff's Amended Complaint concern her arrest, prosecution, and conviction. This Court has dismissed all of the claims against all of the parties apart from Deseret Industries on the basis that they are barred due to Plaintiff's conviction and/or that Plaintiff has otherwise failed to state a claim that could support any of her causes of action.

Plaintiff's Seventh Cause of Action alleges a Section 1983 claim against Deseret Industries for Civil Conspiracy to Violate the Right to Equal Protection due to Plaintiff's arrest and

conviction, which she asserts was directed by or executed in consultation with Deseret Industries. Plaintiff's Eighth Cause of Action alleges a Section 1983 claim against Deseret Industries and the police officers for deliberately indifferent policies in training the officers, which she alleges resulted in her arrest and conviction in violation of the First, Fourth, Fifth, and Fourteenth Amendments. Plaintiff further alleges, through the theory of respondeat superior, liability against Deseret Industries for the actions of former Defendants Knighton, Lovendahl, Ricks, and Perry in her Seventeenth Cause of Action, again all based on the actions around her arrest and conviction.

III. STATEMENT OF UNDISPUTED MATERIAL FACTS

1. Defendant is a private humanitarian organization and a dba of The Church of Jesus Christ of Latter-day Saints, a Utah corporation sole.

2. In 2014 Plaintiff was working for Deseret Industries in its Sandy retail store as a part of its Associate Training Program ("Program"). *See* Amended Complaint ¶ 29.

3. During Plaintiff's employment with Deseret Industries, Deseret Industries retained Off Duty Services, Inc. ("Off Duty") as an independent contractor to provide security services for Deseret Industries's Sandy store. *See* Affidavit of Charles Horton included as Exhibit A at ¶ 3; Affidavit of Mary Montalbo included as Exhibit B at ¶ 3.

4. Off Duty employs security guards to provide security services for its clients. *See* Exhibit A at ¶¶ 3–4.

5. Joel Knighton and Denise Lovendahl were employees of Off Duty in and around 2014 and they were on occasion assigned by Off Duty to provide undercover security for Deseret Industries's Sandy store. *See* Exhibit A at ¶ 6; Exhibit B at ¶ 6.

6. While at Deseret Industries's Sandy store, Knighton and Lovendhal did not act under any policies or supervision of Deseret Industries or Deseret Industries's employees. *See* Exhibit A generally; Exhibit B generally.

7. Deseret Industries had no control or supervisory authority over the means or methods of Knighton and Lovendhal's work on or near Deseret Industries's property. *See* Exhibit A generally; Exhibit B generally.

8. On December 27, 2014, Plaintiff was in the parking lot of the Sandy store when she saw Knighton or Lovendahl attempting to apprehend a suspected shoplifter. *See* Amended Complaint ¶ 27.

9. Knighton and Lovendahl were in pursuit of the suspected shoplifter when Plaintiff saw them. *See* Statement of Denise Ikemiyashiro² included as Exhibit C.

10. Plaintiff approached the officers and very aggressively attempted to intervene and stop the arrest. *See* Exhibit C

11. Knighton and Lovendahl assert that they repeatedly informed Plaintiff that they were police officers, showing her their badges, and demanding that she not interfere with their attempt to apprehend the suspect. *See* Exhibit C.

12. Plaintiff refused to comply with Knighton's and Lovendahl's direction, charging the officers, yelling at them, and grabbing Lovendahl's arm. *See* Exhibit C.

13. Because of Plaintiff's interference in the incident, the suspect escaped to his car and drove away. *See* Exhibit C.

14. Plaintiff contends that the police officers "chest-bumped" her when she interfered with the arrest. *See* Amended Complaint ¶ 36.

² Denise Lovendahl's surname at the time she issued this statement was Ikemiyashiro.

15. The officers retreated to the store to inform Deseret Industries management of the incident that had taken place in the parking lot. *See* Amended Complaint ¶¶ 37–39.

16. Plaintiff followed the officers into the store. *See* Amended Complaint ¶ 38.

17. Once inside, Knighton, Lovendahl, and Plaintiff each attempted to explain to Deseret Industries management their version of the story. *See* Amended Complaint ¶¶ 40–41.

18. Deseret Industries management spoke with the officers and with Plaintiff; Plaintiff states that she told management that one of the officers sexually assaulted her during the altercation when she chest-bumped Plaintiff. *See* Amended Complaint ¶ 44.

19. The officers ultimately arrested Plaintiff for interfering with the attempted arrest in the parking lot; they also trespassed Plaintiff from all Deseret Industries stores. *See* Amended Complaint ¶¶ 45–48.

20. On January 2, 2015, Plaintiff sent Deseret Industries a letter of resignation from her position as a Deseret Industries Associate. *See* Exhibit D.

21. Deseret Industries did not direct Knighton or Lovendahl to arrest or pursue charges against Plaintiff, and Defendant had no authority to do so anyway. *See* Exhibit B at ¶¶ 5, 13; Exhibit A at ¶ 5.

22. Deseret Industries did not direct Knighton or Lovendahl to trespass Plaintiff from the property. *See* Exhibit B at ¶ 13.

23. Deseret Industries had no interaction with Knighton, Lovendahl, the prosecutor's office, or the police department regarding the pursuit of criminal charges against Plaintiff. *See* Exhibit B, ¶ 13.

24. Knighton and Lovendahl were acting under the scope of their employment with Off Duty Services, Inc. during the alleged incident subject of Plaintiff's Amended Complaint. *See* Exhibit A generally; Exhibit B generally.

25. Knighton and Lovendahl have never been employees of Deseret Industries. *See* Exhibit B, ¶ 11.

26. Deseret Industries did not pay the salaries of Knighton and Lovendahl; rather, Deseret Industries paid a contract fee to Off Duty Services, Inc. who then provided security services to Deseret Industries. *See* Exhibit B, ¶ 6; Exhibit A at ¶ 8.

27. Deseret Industries had no authority to hire or fire Knighton or Lovendahl or any other Off Duty Services, Inc. employee. *See* Exhibit A at ¶ 9; Exhibit B at ¶ 5.

28. Deseret Industries did not supply Knighton or Lovendahl with any supplies to aide them in completing their work. *See* Exhibit B at ¶ 8.

29. Deseret Industries was unaware of Knighton or Lovendahl's interaction with Plaintiff until Knighton, Lovendahl, and Plaintiff reported the incident described in Plaintiff's Amended Complaint. *See* Amended Complaint ¶¶ 40–43.

30. Plaintiff was convicted for her interference with an arrest in the Sandy Justice Court on May 4, 2016. *See* Zemaitiene Sandy Justice Court Docket, attached as Exhibit E.

31. Following a de novo trial on the same charges, Plaintiff was convicted again in Third District Court on March 27, 2017. *See* Zemaitiene Third District Court Docket, attached as Exhibit F.

32. All of the other defendants Plaintiff named in her Amended Complaint moved to dismiss the claims against them on the bases that Plaintiff's claims were barred under *Heck v. Humphrey*, 512 U.S. 477 (1994) due to her conviction on the charges underlying her arrest and

because Plaintiff failed to adequately state any claims under Section 1983 or otherwise; the Court has granted each of these Motions, finding that Plaintiff's claims related to her arrest and conviction are barred and that Plaintiff has otherwise failed to state any claims relative to the same. *See* dkt at 63, 79, 80.

IV. ARGUMENT

Deseret Industries brings this Motion for Summary Judgment pursuant to Rule 56 of the Federal Rules of Civil Procedure. Summary judgment must be granted to the moving party when the record shows "that there is no genuine dispute as to any material fact and the movant is entitled to judgment as a matter of law." Fed. R. Civ. P. 56(A); *see also Jones v. Salt Lake County*, 503 F.3d 1147, 1152–53 (10th Cir. 2007). Defendant has the initial burden to establish the absence of material fact to support the non-moving party's claims. *Jensen v. Kimble*, 1 F.3d 1073, 1076 (10th Cir. 1993 (citing *Celotex Corp. v. Catrett*, 477 U.S. 317, 323 (1986))). In doing so, Deseret Industries may cite to materials in the record, including affidavits, that establish that no genuine issue of material fact exists upon which Plaintiff can prevail on her claims. Fed. R. Civ. P. 56(c)(1)(A)–(B).

Once Deseret Industries's burden is met, the burden shifts to Plaintiff to demonstrate a genuine issue of material fact. *Celotex Corp.*, 477 U.S. at 324. In responding to the Motion, Plaintiff may not rely on the bare allegations from her Amended Complaint, but rather must "designate specific facts showing there is a genuine issue for trial." *Id.* (citation and internal quotation marks omitted). If Plaintiff fails to meet her burden as to one element of a claim, summary judgment is appropriate on the claim. *Id.* at 323.

Plaintiff alleges two Causes of Action (the Seventh and Eighth) against Deseret Industries under Section 1983 relative to the off-duty police officers' decision to arrest Plaintiff and the

government's determination to charge Plaintiff for interfering with an arrest. Plaintiff also asserts state respondeat superior liability through her Seventeenth Cause of Action against Deseret Industries for each of the other Section 1983 and state causes of action against the police officers and two Deseret Industries employees listed in her Amended Complaint.

The Section 1983 claims against Deseret Industries should be dismissed; these identical claims have already been dismissed as they were alleged against the other defendants in this case, because they are barred due to Plaintiff's conviction on the charges from her arrest. Additionally, Deseret Industries is not a proper Section 1983 defendant as it is not a state actor and the record does not demonstrate Plaintiff's arrest or conviction were the result of any policies or procedures of Deseret Industries. Further, where all of the Causes of Action against the individuals through which Plaintiff asserts her respondeat superior claims have been dismissed, the respondeat superior claims against Deseret Industries should similarly be dismissed. Finally, even if Plaintiff's claims were not barred due to her conviction and even if Plaintiff had sufficiently stated any claim based on her arrest and conviction, all of the relevant complained-of actions were performed by independent contractors of Deseret Industries or entirely independent state actors, *not* by employees of Deseret Industries or by anyone acting under Deseret Industries's supervision, control, policies, or procedures.

A. Plaintiff's Seventh and Eighth Causes of Action against Deseret Industries should be dismissed because they are barred by *Heck v. Humphrey*.

Plaintiff's Seventh and Eighth Causes of Action are deficient as a matter of law because they are barred under *Heck v. Humphrey*, 512 U.S. 477 (1994). In that case, the U.S. Supreme Court held that a plaintiff who has been convicted of a crime is prohibited from recovering damages under Section 1983 for the arrest and prosecution of that crime "if a favorable judgment would necessarily imply the invalidity of his conviction unless the conviction has been

invalidated.” *Williams v. Weber Cty.*, 562 F. App’x 621, 622 (10th Cir. 2014) (discussing the holding of *Heck*). As this Court has already acknowledged in granting the other Defendants’ Motions to Dismiss, a favorable judgment on Plaintiff’s Seventh or Eighth Causes of Action would necessarily imply the invalidity of her convictions and, here, those convictions have not been invalidated. In fact, they have been twice affirmed. Plaintiff was convicted of interference with an arrest in the Sandy Justice Court on May 4, 2016. *See* Statement of Facts at ¶ 30. Plaintiff was again convicted of the same charges following a de novo trial in the Third District Court on March 27, 2017. *See* Statement of Facts at ¶ 31.

Plaintiff has routinely asserted throughout her various actions before the federal courts that her arrest and conviction were improper and therefore should be disregarded by the Court in reviewing her civil claims. A belief that a conviction is “null and void” does not preclude the application of *Heck* to this case. The *Heck* court held that:

[I]n order to recover damages for allegedly unconstitutional conviction or imprisonment, or for other harm caused by actions whose unlawfulness would render a conviction or sentence invalid, a § 1983 plaintiff must prove that the conviction or sentence **has been** reversed on direct appeal, expunged by executive order, declared invalid by a state tribunal authorized to make such determination, or called into question by a federal court’s issuance of a writ of habeas corpus.

Heck v. Humphrey, 512 U.S. 477, 487 (1994) (emphasis added). The Supreme Court contemplated that a Section 1983 plaintiff may try to argue that the conviction or sentence *should* be reversed but clarified that unless and until the underlying conviction or sentence *is* invalidated, the Section 1983 claim is not cognizable. *Id.* (“A claim for damages bearing that relationship to a conviction or sentence that has not been so invalidated is not cognizable under § 1983.”). Accordingly, as this Court already determined, Plaintiff’s Seventh and Eighth Causes of Action should be dismissed.

B. Plaintiff's Section 1983 claims against Deseret Industries should be dismissed because Deseret Industries is not a state actor, nor is it responsible for any of the actions of any state actor referenced in Plaintiff's Amended Complaint.

Even if Plaintiff's Section 1983 claims were not barred by *Heck*, to whatever extent Plaintiff alleges Section 1983 liability directly against Defendant (other than through respondeat superior), Deseret Industries was not a state actor and none of the alleged actions were conducted pursuant to Deseret Industries's policy, procedure, or direction. Accordingly, her claims should be dismissed.

1. Deseret Industries is not a state actor.

While Deseret Industries ardently disputes any contention, no matter how broad, that it in any way violated any of Plaintiff's Constitutional or statutory rights, it notes at this time that a Section 1983 claim cannot succeed against it because Deseret Industries is not a state actor as would be required in order to bring a proper Section 1983 claim against it.

42 U.S.C. § 1983 provides a cause of action to plaintiffs for federal Constitutional or statutory violations of rights committed by any "person" acting "under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory." An organization or entity may be considered a "person" under Section 1983, but only for its unconstitutional or illegal policies, not for the actions of individuals. *Monell v. Dept. of Soc. Svcs.*, 436 U.S. 658, 707–08 (1978). "[T]he only proper defendants in a section 1983 claim are those who represent [the state] in some capacity, whether they act in accordance with their authority or misuse it." *Gallagher v. Neil Young Freedom Concert*, 49 F.3d 1442, 1447 (10th Cir. 1995) (citations and internal quotation marks omitted).

Importantly, the Tenth Circuit has declined to consider merchants to be "state actors" for Section 1983 purposes even when the merchant's security guards apprehended suspects of a crime,

the merchant made a citizen's arrest, and the merchant coordinated efforts with state police officers to respond to activity taking place on the merchant's property. *See Jones v. Wal-Mart Stores, Inc.*, 1995 WL 387887 (10th Cir. 1994) (wherein the store was not considered a state actor for Section 1983 purposes even though one of its security guards who detained a suspected shoplifter was an off-duty police officer).

Here, Deseret Industries is a private entity, not a state actor. *See* Statement of Facts at ¶ 1. Knighton and Lovendahl were independent contractor security personnel providing services to Deseret Industries. *See* Statement of Facts at ¶¶ 3–7, 21–29. As discussed at length in Part C, Deseret Industries did not direct the actions of Knighton and Lovendahl, nor did Deseret Industries take on the role of a state actor in any way. *See id.* Unlike the merchant in *Jones*, Deseret Industries did not even make a citizen's arrest of Plaintiff or contact the police relative to the incident. *Id.* Rather, by Plaintiff's own account, as detailed in her Amended Complaint, (1) an incident occurred on Deseret Industries's property between Plaintiff, Knighton, and Lovendahl, (2) the three reported this incident to Deseret Industries, and (3) Knighton and Lovendahl independently determined to arrest Plaintiff and pursue charges relative to the incident. *See* Statement of Facts at ¶ 8–19. In no way did Deseret Industries assume the role of a state actor, and accordingly, Plaintiff cannot maintain any Section 1983 actions against Deseret Industries.

2. None of the actions complained of in Plaintiff's Amended Complaint were committed under any policy, procedure, or direction of Deseret Industries.

As discussed in Part C, the actions subject of Plaintiff's Amended Complaint relative to the detention and prosecution of Plaintiff were performed by independent contractors and entirely separate state agencies, *not* under any policy, procedure, or direction of Deseret Industries. Plaintiff's claims under Section 1983 alleging constitutional violations through Deseret Industries's policies, procedures, training, and supervision cannot stand if the acts that gave rise to

the alleged violations cannot be traced to Deseret Industries's policies, procedures, training, and supervision. *See Monell v. Dept. of Soc. Svcs.*, 436 U.S. 658, 707–08 (1978). As articulated throughout this Memorandum, there is simply no dispute of material fact under which a reasonable jury could find such a connection and impose Section 1983 liability. Accordingly, Plaintiff's Seventh and Eighth Causes of Action against Deseret Industries must be dismissed.

C. Plaintiff's respondeat superior claim against Deseret Industries must fail where all of her underlying claims against the relevant actors have already failed and where the actions pertaining to her arrest, prosecution, and conviction were performed solely by independent contractors of Deseret Industries.

Through her Seventeenth Cause of Action, Plaintiff alleges that Deseret Industries is liable under the doctrine of respondeat superior for the conduct of Knighton, Lovendahl, Ricks, and Perry as she describes the same in her Amended Complaint. *See* Amended Complaint at ¶¶ 200–04. Notably, this Court has already dismissed all of the claims against these individuals because Plaintiff's claims are barred or fail as a matter of law. *See* Statement of Facts at ¶ 37. In asserting respondeat superior, Plaintiff alleges no other action or conduct other than the same set of facts concerning her arrest and conviction that failed to support the rest of her claims in her Amended Complaint. Accordingly, dismissal of Plaintiff's Seventeenth Cause of Action is proper.

Further, even if Plaintiff could properly maintain any claim relative to her arrest and conviction, the record demonstrates that all of the relevant actions were conducted solely by independent contractors through whom Deseret Industries could not be liable as a matter of law under the doctrine of respondeat superior. That is, Plaintiff fails to demonstrate that the actions surrounding her arrest and conviction were taken or directed by anyone other than Knighton, Lovenedahl, or other state actors, none of whom have ever been employees of Deseret Industries.

“Generally, an employer is not liable to third persons for the torts of an independent contractor.” *Price v. Smith's Food and Drug Centers, Inc.*, 2011 UT App 66, ¶ 26 (citing *Magana*

v. Dave Roth Constr., 2009 UT 45, ¶ 22). Utah recognizes an exception to this rule, namely “the employer of a contractor remains liable for the contractor’s actions when the employer participates in or controls the manner in which the contractor’s work is performed.” *Magana*, 2009 UT 45 at ¶ 23 (citation, brackets, and internal quotation marks omitted). “This exception to the general non-liability rule is called the retained control doctrine, and it is applied narrowly in *unique circumstances* where an employer of an independent contractor exercises enough control over the contracted work to give rise to a limited duty of care.” *Id.* (citation, brackets, and internal quotation marks omitted) (emphasis in *Magana*).

To determine whether an employer exercised sufficient control to meet this exception, Utah courts apply the “active participation standard.” *Id.* at ¶ 24. “Under that standard, an employer has a duty to ensure the safety of its contractor’s work where the employer actively participates in the contractor’s work” by “direct[ing] that the contracted work be done by use of a certain mode or otherwise interfer[ing] with the means and methods by which the work is to be accomplished.” *Id.* (citations and internal quotation marks omitted). “In contrast, an employer does not actively participate in an activity when the employer merely exercises a general right to order the work stopped or resumed, to inspect its progress or to receive reports, to make suggestions or recommendations which need not necessarily be followed, or to prescribe alterations and deviations.” *Id.* (citations and internal quotation marks omitted).

Using the above-described standard, the Utah Court of Appeals considered claims a patron of a bar brought against the bar owner relative to a physical altercation the patron had with the bar’s security guards. *Castellanos v. Tommy John, LLC*, 2014 UT App 48. The security guards were not employees of the bar, but rather employees of a company that had contracted with the bar to provide security services. *Id.* at ¶ 2. The court determined that the security guards were

independent contractors and accordingly, the bar or bar owner could not be found liable for their actions under a theory of respondeat superior. *Id.* at ¶ 45. Important to the court’s holding was that “[t]he parties agree[d] that [the bar] did not provide any guidance or training to, or impose any rules or regulations controlling the actions of” the security guards. *Id.* at ¶ 2.

In determining whether the bar had actively participated in the work of the security guards, the *Castellanos* court noted that “[a]n employer that merely exercises control over the desired result of the contractor’s work will not be held to have actively participated” and “active participation is insufficient unless it relates to the injury-causing aspect of the work.” *Id.* at ¶ 9 (citation and internal quotation marks omitted). The court found inadequate the plaintiff’s argument that the bar had demonstrated sufficient control by interacting with the security guards, by helping direct the police to the plaintiffs, and by banning plaintiff from the establishment because these actions did “not relate to the injury-causing aspects of the work.” *Id.* at ¶ 11.³

Knighton and Lovendahl were independent contractors, employed by Off Duty Services, Inc., and provided to Deseret Industries to perform general security services. *See* Statement of Facts at ¶¶ 3–7, 21–29. Like the relationship in *Castellanos*, Deseret Industries did not direct the activities of Knighton and Lovendahl. *See id.* Deseret Industries was not even aware of the alleged incident in the parking lot between Plaintiff and Knighton and Lovendahl until those actors reported the incident to Deseret Industries. *See* Statement of Facts at ¶¶ 15–18. Deseret Industries had no authority to direct Knighton and Lovendahl’s work. *See* Statement of Facts at ¶¶ 21–29. Deseret Industries did not instruct Knighton and Lovendahl to arrest Plaintiff. *See* Statement of Facts at ¶ 21. Both Deseret Industries and the employer of Knighton and Lovendahl, Off Duty

³ The Plaintiff in *Castellanos* additionally sought an exception to the rule that employers are not liable for the actions of their independent contractors by arguing the “inherently dangerous work doctrine,” which holds that employers may be liable for inherently danger work performed by their contractors. *Castellanos*, 2014 UT App 48 at ¶ 16. The court dismissed this, however, noting that “the provision of security services is not inherently dangerous.” *Id.* at ¶ 22.

Services, Inc., agree that Deseret Industries had no control over the way in which Knighton and Lovendahl completed their work. *See* Statement of Facts at ¶¶ 3–7, 21–29.

Simply, all of Plaintiff's allegations that she was harmed are based in her contention that she was improperly arrested, charged, and convicted of a crime. None of these factual allegations have survived this Court's review, sufficient to support any legal claims against the individuals who supposedly committed the acts alleged in Plaintiff's Amended Complaint. Even still, the altercation in the parking lot and the decision to arrest, charge, and seek a conviction of Plaintiff for interfering with an arrest involved only independent contractors of Deseret Industries. Even if the undisputed facts could support any legal claims regarding Knighton's or Lovendahl's actions, Deseret Industries would not be liable for the same under any state respondeat superior claim. Accordingly, all claims brought through this theory must be dismissed against Deseret Industries.

V. CONCLUSION

For the foregoing reasons, Deseret Industries asks that this Court grant its Motion for Summary Judgment and dismiss all of Plaintiff's remaining claims against Deseret Industries. Because these are the final and only claims still alive in this action, the Court should dismiss Plaintiff's Amended Complaint and close this case.

DATED this 4th day of January, 2021.

/s/ Eli W. McCann

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Plaintiff,

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JAMES WINDER, UNIFIED POLICE
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PECINCT CHIEF TRACY WYANT,
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CHRIST OF LATTER-DAY SAINTS, a
Utah corporation sole, dba Deseret
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KNIGHTON AND DENISE
LOVENDAHL,

Defendants.

**CERTIFICATE OF SERVICE:
DEFENDANT CORPORATION OF
THE PRESIDING BISHOP OF THE
CHURCH OF JESUS CHRIST OF
LATTER-DAY SAINTS'S MOTION
FOR SUMMARY JUDGMENT**

Case No. 2:17-cv-00007

Judge Dale A. Kimball
Magistrate Judge Jared C. Bennett

I hereby certify that on the 4th day of January, 2021, I cause a true and correct copy of the foregoing **DEFENDANT CORPORATION OF THE PRESIDING BISHOP OF THE CHURCH OF JESUS CHRIST OF LATTER-DAY SAINTS'S MOTION FOR SUMMARY JUDGMENT** to be emailed and mailed, postage prepaid to the following:

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/s/ Brianne Fallis

EXHIBIT A

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LAKE; TAYLORSVILLE CITY; TRACY
WYANT, Taylorsville Precinct Chief;
CORPORATION OF THE PRESIDING
BISHOP OF THE CHURCH OF JESUS
CHRIST OF LATTER-DAY SAINTS dba
Deseret Industries; JOEL KNIGHTON,
Police Officer; and DENISE LOVENDAHL,
Police Officer;

Defendants.

**AFFIDAVIT OF CHARLES
HORTON**

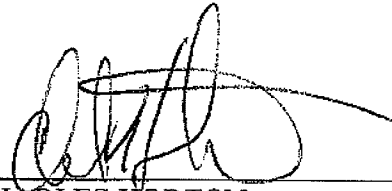
Case No. 2:17-CV-0007-DAK

Judge Dale A. Kimball

1. My name is Charles Horton. I am over 18 years of age and I am competent to testify in all respects. I have personal knowledge regarding the matters stated in this Affidavit. If called to testify, I could and would testify consistently with the statements in this Affidavit.
2. I am currently the Vice President of Operations for Off Duty Services, Inc. I have been employed with Off Duty Services since 2007.
3. Off Duty Services, Inc. has contracted with Deseret Industries to provide security services for Deseret Industries' stores since 2010.
4. Off Duty Services employs and pays the security personnel that it assigns to Deseret Industries' stores.
5. Deseret Industries has no supervisory control over any security personal employed by Off Duty Services.
6. The Off Duty Services officers subject of the *Zemaitiene v. Salt Lake County, et al.* (Case: 2:17-cv-00007) lawsuit, Joel Knighton and Denise Lovendahl, were providing services relative to that Complaint as Off Duty Services employees.
7. Joel Knighton and Denise Lovendahl were provided by Off Duty Services to Deseret Industries as independent contractors under an agreement between Deseret Industries and Off Duty Services.
8. Deseret Industries does not pay the salaries of Joel Knighton, Denise Lovendahl, or any other Off Duty Services security personnel; rather, Deseret Industries only pays Off Duty Services, who in turn is responsible for the salaries of its employees.
9. Deseret Industries has no say in the hiring, termination, or supervision of any of the security personnel Off Duty Services provides to Deseret Industries.

10. Deseret Industries does not request specific security personnel; rather, Deseret Industries makes a request for security and Off Duty Services assigns its employees to fill the request.

DATED this 18 day of APRIL, 2017.



CHARLES HORTON
Affiant

Subscribed and Sworn to before me, a Notary Public, on this 18th day of APRIL, 2017 by
CHARLES HORTON.



NOTARY PUBLIC – State of Texas

SEAL

My commission Expires:
My commission #:

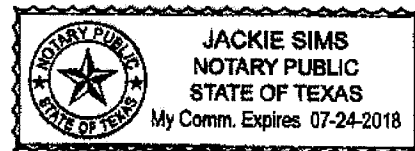


EXHIBIT B

Thomas D. Walk, #5555
Swen R. Swenson, #12683
Eli W. McCann, #13798
KIRTON McCONKIE
Key Bank Tower
36 South State Street, Suite 1900
Salt Lake City, Utah 84111
Telephone: (801) 328-3600
Facsimile: (801) 321-4893
twalk@kmclaw.com
sswenson@kmclaw.com
emccann@kmclaw.com

Attorneys for defendants Corporation of the Presiding Bishop of The Church of Jesus Christ of Latter-day Saints, dba Deseret Industries

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF UTAH**

KRISTINA ZEMAITIENE, individually,

Plaintiff,

v.

SALT LAKE COUNTY; JAMES WINDER,
Police Chief; UNIFIED POLICE
DEPARTMENT OF GREATER SALT
LAKE; TAYLORSVILLE CITY; TRACY
WYANT, Taylorsville Precinct Chief;
CORPORATION OF THE PRESIDING
BISHOP OF THE CHURCH OF JESUS
CHRIST OF LATTER-DAY SAINTS dba
Deseret Industries; JOEL KNIGHTON,
Police Officer; and DENISE LOVENDAHL,
Police Officer;

Defendants.

AFFIDAVIT OF MARY MONTALBO

Case No. 2:17-CV-0007-DAK

Judge Dale A. Kimball

1. My name is Mary Montalbo. I am over 18 years of age and I am competent to testify in all respects. I have personal knowledge regarding the matters stated in this Affidavit. If called to testify, I could and would testify consistently with the statements in this Affidavit.
2. I am the general store manager of the Deseret Industries store located at 825 E 9400 S in Sandy Utah. I have held this position since 2013.
3. Deseret Industries contracts with a company called Off Duty Services, Inc. to provide security for Deseret Industries's stores; Deseret Industries does not employ its own security personnel.
4. Deseret Industries does not select its own security personnel; rather, Deseret Industries informs Off Duty Services of its security needs and Off Duty Services provides individuals to fill that need.
5. Neither I, nor anyone employed in the Deseret Industries store that I manage, directs the manner or means, nor has the authority to direct the work of the Off Duty Services security personnel.
6. Deseret Industries does not pay the salaries of its independent contractor security personnel; rather, Deseret Industries pays a fee to Off Duty Services for this service.
7. Neither I, nor anyone employed by Deseret Industries store that I manage, is involved in scheduling or selecting individual Off Duty Services security personnel.
8. My store does not provide any equipment to the Off Duty Services security personnel; these security personnel bring their own equipment when providing services to the store.

9. Deseret Industries does not have the authority to hire or terminate any Off Duty Services employee, nor does Deseret Industries have any part in the hiring or termination process.
10. The Off Duty Services officers subject of the *Zemaitiene v. Salt Lake County, et al.* (Case: 2:17-cv-00007) lawsuit, Joel Knighton and Denise Lovendahl, were providing services relative to that Complaint as Off Duty Services employees.
11. Joel Knighton and Denise Lovendahl were provided by Off Duty Services to Deseret Industries as independent contractors under an agreement between Deseret Industries and Off Duty Services; Deseret Industries has never employed Joel Knighton or Denise Lovendahl.
12. Deseret Industries does not pay the salaries of Joel Knighton, Denise Lovendahl, or any other Off Duty Services security personnel; rather, Deseret Industries only pays Off Duty Services, who in turn is responsible for the salaries of its employees.
13. Neither I or anyone working for Deseret Industries directed Knighton, Lovendhal, or any state employee to detain, arrest, trespass, or charge Kristina Zemaitiene for any action or crime.

DATED this 20 day of April, 2017.


MARY MONTALBO
Affiant


Subscribed and Sworn to before me, a Notary Public, on this ____ day of _____, 2017 by
MARY MONTALBO.

NOTARY PUBLIC – State of

SEAL

My commission Expires:
My commission #:

EXHIBIT C

| | |
|---|---|
|  | <p align="center">UNIFIED POLICE DEPT-GREATER SL</p> <p align="center">GENERAL OFFENSE HARDCOPY</p> <p align="center">REQUEST FOR ACCESS PUBLIC RECORDS</p> <p>GO# CO 2014-202088 OPEN/ACTIVE</p> <p align="right">2303-0 LARC-SHOPLIFTING</p> |
|---|---|

Related Text Page(s)

Document: OTHER F/U

Author: 98K - IKEMIYASHIRO, DENISE

Related date/time: Dec-29-2014 (Mon.) 1235

On 12-27-14 I was working as loss prevention at the Deseret Industries Store on 825 E 9400 S. I was notified by Officer Knighton that he had witnessed a male changing a price tag on an item. He attempted to stop the male and the male refused to stop and was walking to his car in the parking lot.

Officer Knighton and I went into the parking lot to try and find the male. I saw a male walking very quickly to his car in the south end of the parking lot. I asked Officer Knighton if that was the same male. He identified him as being the male.

We ran to the van as the male was getting in. I pulled out my badge and clearly had it displayed on a cord around my neck. Officer Knighton went around to the back of the van and got the license plate off the back as the male began to back out. When the male driver saw this he stopped the van and got out. He yelled, "Why you get my plate, I do nothing." Officer Knighton identified both of us as Police Officer and I grabbed my badge and showed it to him. The male screamed, "I do nothing wrong." He then got back in the drivers seat of the van. Officer Knighton told the male that he needed to come back into the store and talk to us about changing price tags. The male stated, "I do nothing wrong and he slammed the car door. I reached over and opened the door.

After opening the door I told the male he was under arrest for retail theft. I told him to step out of the car. He again screamed, "I do nothing wrong." He then tried to slam the door. I held the door open and grabbed his arm. Officer Knighton and I pulled the male out of the car to take him into custody. He began to fight. He refused to be taken into custody. We fought with the male and got to the back of the van when a female ran up to us. I was attempting to get the male in handcuffs when the female grabbed my arm and was screaming that we were assaulting the male. I yelled that we were police officer and told her to back up. The male was able to get ahold of my handcuffs and I had to pull the handcuffs out of his grasp. The female continued to grab me and grab at Officer Knighton. Due to her involvement the male was able to get out of our grasp and he ran back to the drivers side of the car. His dog had gotten out of the car while we were struggling with him. The male picked up the large dog and was holding it in front of him. There was no way for me to get ahold of the male. He got the dog in the van and pushed me where I lost my balance and stumbled back. The male then got in the van and drove away.

The female got back into my face and was screaming at me that she wanted my badge number. I showed her my badge and told her to back up. She didn't back up and continued to scream. Because she was threatening and screaming at me I pushed her back. I then tried to walk away from her. She continued to scream and followed me. I went back into the store with her following me screaming.

EXHIBIT D

To: Mary Montalbo
Deseret Industries
825 East 9400 South
Sandy, Utah 84094

From: Kristina Zemaitiene
P.O. Box 213
Sandy, Utah 84091

RE: Termination of employment

January 2, 2015

Ms. Montalbo,

Upon receipt of this letter please terminate my employment with Deseret Industries.

Due to ongoing retaliatory actions I have been subjected to at Deseret Industries as a result of my legitimate complaints to address inappropriate conduct of your employees, my health has been compromised. To avoid further retaliation and deterioration of my health condition my employment at Deseret Industries should end.

Sincerely,

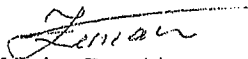

Kristina Zemaitiene

EXHIBIT E

SANDY JUSTICE COURT

SALT LAKE COUNTY, STATE OF UTAH

APPEALED: CASE #161401477

SANDY CITY vs. KRISTINA ZEMAITIENE

CASE NUMBER 141001456 Other Misdemeanor

CHARGES

Charge 1 - 76-8-305 - INTERFERENCE WITH ARRESTING OFFICER Class

B Misdemeanor (amended) to Infraction

Offense Date: December 27, 2014

Plea: January 08, 2015 Not Guilty

Disposition: March 27, 2017 Set Aside

CURRENT ASSIGNED JUDGE

PAUL C FARR

PARTIES

Defendant - KRISTINA ZEMAITIENE

Represented by: R SHANE JOHNSON

Plaintiff - SANDY CITY

DEFENDANT INFORMATION

Defendant Name: KRISTINA ZEMAITIENE

Offense tracking number: 34169227

Date of Birth: March 07, 1976

Law Enforcement Agency: SL SHERIFF / UNIF PD

LEA Case Number: CO2014L10600877 L

Officer Name: DENISE IKEMIYASHIRO

Prosecuting Agency: SANDY CITY

Citation Number: L10600877

ACCOUNT SUMMARY

| | | |
|---------------|--------------|-------|
| TOTAL REVENUE | Amount Due: | 21.00 |
| | Amount Paid: | 21.00 |
| | Credit: | 0.00 |
| | Balance: | 0.00 |

REVENUE DETAIL - TYPE: FINE

| | |
|----------------------|--------|
| Original Amount Due: | 150.00 |
| Amended Amount Due: | 0.00 |
| Amount Paid: | 0.00 |
| Amount Credit: | 0.00 |

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Page 1

CASE NUMBER 141001456 Other Misdemeanor

| | |
|----------|------|
| Balance: | 0.00 |
|----------|------|

Account Adjustments

| Date | Amount | Reason |
|--------------|---------|--|
| Mar 29, 2017 | -150.00 | Case was disposed on 3/27/17 in the district court on appeal. |

REVENUE DETAIL - TYPE: COPY FEE

| | |
|----------------|------|
| Amount Due: | 1.00 |
| Amount Paid: | 1.00 |
| Amount Credit: | 0.00 |
| Balance: | 0.00 |

REVENUE DETAIL - TYPE: AUDIO TAPE COPY

| | |
|----------------|-------|
| Amount Due: | 10.00 |
| Amount Paid: | 10.00 |
| Amount Credit: | 0.00 |
| Balance: | 0.00 |

REVENUE DETAIL - TYPE: Interest

| | |
|----------------|------|
| Amount Due: | 0.00 |
| Amount Paid: | 0.00 |
| Amount Credit: | 0.00 |
| Balance: | 0.00 |

Account Adjustments

| Date | Amount | Reason |
|--------------|--------|--|
| Mar 29, 2017 | 3.61 | Interest Posted to Date |
| Mar 29, 2017 | -3.61 | Case was disposed on 3/27/17 in the district court on appeal. |

REVENUE DETAIL - TYPE: AUDIO TAPE COPY

| | |
|----------------|-------|
| Amount Due: | 10.00 |
| Amount Paid: | 10.00 |
| Amount Credit: | 0.00 |
| Balance: | 0.00 |

PROCEEDINGS

12-31-14 Case filed

12-31-14 Filed: From an Information

12-31-14 Judge PAUL C FARR assigned.

12-31-14 ARRAIGNMENT scheduled on January 12, 2015 at 08:30 AM in
COURTROOM #2 with Judge FARR.

12-31-14 Notice - NOTICE for Case 141001456 ID 10052139

ARRAIGNMENT is scheduled.

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CASE NUMBER 141001456 Other Misdemeanor

Date: 1/12/2015

Time: 8:30 a.m.

Location: COURTROOM #2

SANDY CITY JUSTICE CENTER

210 W SEGO LILY DR

SANDY, UT 84070-3282

Before Judge: PAUL C FARR

12-31-14 Note: Address update by DL/SSN lookup from Public Safety

01-05-15 Note: KRISTINA ZEMAITIENE called. Informed her of the court date and time.

01-08-15 Filed: Entry of Appearance

01-08-15 Charge 1 Plea is Not Guilty

01-08-15 Filed: Entry of Plea

01-08-15 Filed: Demand for Discovrey

01-08-15 Filed: Demand for Jury Trial

01-08-15 ARRAIGNMENT Cancelled.

Reason: Defendant's Request

01-08-15 Note: Called Mr. Chino's office - scheduled PTC date - mailed notice to counsel. Advised that arraignment date was cancelled.

01-08-15 PRETRIAL CONFERENCE scheduled on January 22, 2015 at 10:00 AM in COURTROOM #2 with Judge FARR.

01-08-15 Notice - NOTICE for Case 141001456 ID 10074831

PRETRIAL CONFERENCE is scheduled.

Date: 01/22/2015

Time: 10:00 a.m.

Location: COURTROOM #2

SANDY CITY JUSTICE CENTER

210 W SEGO LILY DR

SANDY, UT 84070-3282

Before Judge: PAUL C FARR

01-22-15 PRETRIAL CONFERENCE scheduled on February 26, 2015 at 09:20 AM in COURTROOM #2 with Judge FARR.

01-22-15 Filed: Promise to Appear

01-22-15 Minute Entry - Minutes for PRETRIAL CONFERENCE

Judge: PAUL C FARR

PRESENT

Clerk: shelleyb

Prosecutor: MIDGLEY, WALDO V

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CASE NUMBER 141001456 Other Misdemeanor

Defendant Present

Defendant's Attorney(s): CHINO, ARIEL

Audio

Defendant appeared with counsel. City is present. Case reset for pretrial conference. Signed notice given to defendant and counsel in court.

TIME: 11:08 am

PRETRIAL CONFERENCE.

Date: 02/26/2015

Time: 09:20 a.m.

Location: COURTROOM #2

SANDY CITY JUSTICE CENTER

210 W SEGO LILY DR

SANDY, UT 84070-3282

Before Judge: PAUL C FARR

01-27-15 Note: OTN issued by Sandy PD 1/22/15

01-27-15 Filed: Information

02-12-15 Filed: Motion for Withdrawal of Counsel (and proposed order)

Filed by: CHINO, ARIEL,

02-13-15 Filed order: Order -Counsel's motion to withdraw is granted.

Judge PAUL C FARR

Signed February 12, 2015

02-26-15 PRETRIAL CONFERENCE scheduled on March 25, 2015 at 02:00 PM in COURTROOM #2 with Judge FARR.

02-26-15 Minute Entry - Minutes for PRETRIAL CONFERENCE

Judge: PAUL C FARR

PRESENT

Clerk: kristins

Prosecutor: MIDGLEY, WALDO V

Defendant Present

Audio

ARRAIGNMENT

Defendant appeared without counsel, city is present. Defendant

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CASE NUMBER 141001456 Other Misdemeanor

requests court appointed counsel. Financial Declaration filed.
Court grants counsel subject to \$150 attorney recoupment fee.
Case set for Pretrial Conference. Promise to Appear signed and
filed.
Order Appointing Counsel e-mailed to S. Moore.

TIME: 9:36 AM
APPOINTMENT OF COUNSEL

Court finds the defendant indigent and appoints SOPHIA J MOORE to
represent the defendant.

Appointed Counsel:

Name: SOPHIA J MOORE
Address: 859 E 900 S STE 201
City: SALT LAKE CITY UT 84105
Phone: (801)359-2292

PRETRIAL CONFERENCE.

Date: 03/25/2015
Time: 02:00 p.m.
Location: COURTROOM #2
SANDY CITY JUSTICE CENTER
210 W SEGO LILY DR
SANDY, UT 84070-3282

Before Judge: PAUL C FARR

02-26-15 Filed: Promise to Appear
02-26-15 Filed: Order Appointing Counsel
02-26-15 **** PRIVATE **** Filed: Financial Declaration Form
03-11-15 Fee Account created Total Due: 1.00
03-11-15 COPY FEE Payment Received: 1.00
03-11-15 Note: KRISTINA ZEMAITIENE's husband came to window to purchase
copy of docket.
03-25-15 PRETRIAL CONFERENCE scheduled on April 15, 2015 at 02:00 PM in
COURTROOM #2 with Judge FARR.
03-25-15 Minute Entry - Minutes for PRETRIAL CONFERENCE
Judge: PAUL C FARR

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CASE NUMBER 141001456 Other Misdemeanor

PRESENT

Clerk: kristins

Defendant Present

Defendant's Attorney(s): MOORE, SOPHIA J

Audio

Defendant appeared with counsel, city is not present.

Reschedule Pretrial Conference. Promise to Appear signed and filed.

TIME: 2:46 PM

PRETRIAL CONFERENCE.

Date: 04/15/2015

Time: 02:00 p.m.

Location: COURTROOM #2

SANDY CITY JUSTICE CENTER

210 W SEGO LILY DR

SANDY, UT 84070-3282

Before Judge: PAUL C FARR

03-25-15 Filed: Promise to Appear

04-15-15 Minute Entry - Minutes for PRETRIAL CONFERENCE

Judge: PAUL C FARR

PRESENT

Clerk: lauraa

Defendant Present

Defendant's Attorney(s): MOORE, SOPHIA J

Audio

Defendant appeared with counsel, city is not present. S. Moore asked to be removed from representing defendant per conflict of interest. Court assigned R. Skeen to represent the defendant. Case set for Pre-Trial Conference. Notice signed and given in court, emailed to R. Skeen.

TIME: 02:40 PM

APPOINTMENT OF COUNSEL

CASE NUMBER 141001456 Other Misdemeanor

Court finds the defendant indigent and appoints RANDALL L SKEEN to represent the defendant.

Appointed Counsel:

Name: RANDALL L SKEEN
Address: 5788 S 900 E
City: SALT LAKE CITY UT 84121
Phone: (801)266-7414

PRETRIAL CONFERENCE.

Date: 04/28/2015

Time: 08:30 a.m.

Location: COURTROOM #2
SANDY CITY JUSTICE CENTER
210 W SEGO LILY DR
SANDY, UT 84070-3282

Before Judge: PAUL C FARR

04-15-15 PRETRIAL CONFERENCE scheduled on April 28, 2015 at 08:30 AM in
COURTROOM #2 with Judge FARR.

04-15-15 Filed: Order Appointing Counsel

04-15-15 Filed: Promise To Appear

04-28-15 Minute Entry - Minutes for PRETRIAL CONFERENCE

Judge: PAUL C FARR

PRESENT

Clerk: lauraa

Defendant Present

Defendant's Attorney(s): MECHAM, TODD R

Audio

Defendant appeared with counsel, city is not present. Case set for
Pre-Trial Conference. Notice signed and given in court, emailed to
R. Skeen.

TIME: 11:14 am

PRETRIAL CONFERENCE.

Date: 05/26/2015

Time: 08:30 a.m.

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CASE NUMBER 141001456 Other Misdemeanor

Location: COURTROOM #2
SANDY CITY JUSTICE CENTER
210 W SEGO LILY DR
SANDY, UT 84070-3282

Before Judge: PAUL C FARR

04-28-15 PRETRIAL CONFERENCE scheduled on May 26, 2015 at 08:30 AM in
COURTROOM #2 with Judge FARR.

04-28-15 Filed: Promise To Appear

05-04-15 Note: **Invoice for the month of April 2015 submitted by Randall
Skeen, Legal Defender**

05-26-15 BENCH TRIAL scheduled on July 22, 2015 at 09:00 AM in COURTROOM
#2 with Judge FARR.

05-26-15 Filed: Promise to Appear

05-26-15 Minute Entry - Minutes for PRETRIAL CONFERENCE

Judge: SCOTT MICKELSEN

PRESENT

Clerk: kristins

Defendant Present

Defendant's Attorney(s): MECHAM, TODD R

Audio

Tape Count: 9:40 AM

Defendant appeared with counsel, city is not present. Case set for
Bench Trial. Promise to Appear signed and filed. Copy e-mailed to
prosecution and R. Skeen's office.

BENCH TRIAL is scheduled.

Date: 07/22/2015

Time: 09:00 a.m.

Location: COURTROOM #2

SANDY CITY JUSTICE CENTER
210 W SEGO LILY DR
SANDY, UT 84070-3282

Before Judge: PAUL C FARR

06-10-15 Filed: Appearance of Counsel/Limited Counsel

06-10-15 Filed: Request For Discovery

06-10-15 Note: I spoke with counsel and wanted bench trial to be

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CASE NUMBER 141001456 Other Misdemeanor

cancelled and set for pretrial conference. I notified
prosecutor office and email to R. Skeens office. Notice
mailed.

06-10-15 Notice - NOTICE for Case 141001456 ID 10537833
PRETRIAL CONFERENCE.

Date: 07/02/2015

Time: 03:00 p.m.

Location: COURTROOM #2

SANDY CITY JUSTICE CENTER

210 W SEGO LILY DR

SANDY, UT 84070-3282

Before Judge: PAUL C FARR

The reason for the change is Counsel's request.

06-10-15 BENCH TRIAL Modified.

Reason: Counsel's request.

06-10-15 PRETRIAL CONFERENCE scheduled on July 02, 2015 at 03:00 PM in
COURTROOM #2 with Judge FARR.

06-15-15 Filed: Response to Request for Discovery

06-17-15 Filed: Motion to Withdraw

Filed by: SANDY CITY,

06-17-15 Filed order: Order for Withdrawal of Counsel

Judge PAUL C FARR

Signed June 17, 2015

07-01-15 Note: KRISTINA ZEMAITIENE called to verify court date and time.

07-02-15 Notice - NOTICE for Case 141001456 ID 10605564

JURY TRIAL is scheduled.

Date: 09/17/2015

Time: 09:00 a.m.

Location: COURTROOM #2

SANDY CITY JUSTICE CENTER

210 W SEGO LILY DR

SANDY, UT 84070-3282

before Judge PAUL C FARR

07-02-15 Minute Entry - Minutes for PRETRIAL CONFERENCE

Judge: PAUL C FARR

PRESENT

Clerk: alih

Defendant Present

Defendant's Attorney(s): OVERSON, DARWIN L

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CASE NUMBER 141001456 Other Misdemeanor

Audio

Tape Count: 3:13 pm

Defendant present with counsel, city not present. Jury trial and jury pretrial conference scheduled.

Promise to Appear signed and filed. Copy of notice emailed to prosecutor's office.

JURY TRIAL is scheduled.

Date: 09/17/2015

Time: 09:00 a.m.

Location: COURTROOM #2

SANDY CITY JUSTICE CENTER

210 W SEGO LILY DR

SANDY, UT 84070-3282

before Judge PAUL C FARR

07-02-15 JURY TRIAL scheduled on September 17, 2015 at 09:00 AM in COURTROOM #2 with Judge FARR.

07-02-15 Filed: Promise To Appear

07-15-15 Filed: Defendant's proposed Voir Dire, defendant's proposed supplemental jury instructions

07-15-15 JURY-PRETRIAL CONF. scheduled on September 10, 2015 at 09:00 AM in COURTROOM #2 with Judge FARR.

07-17-15 Filed: Motion to strike jury trial.

Filed by: SANDY CITY,

07-21-15 Filed order: City's motion to strike jury trial and amend charge to an infraction is granted. Schedule a bench trial.

Judge PAUL C FARR

Signed July 21, 2015

07-21-15 Charge 1 amended to Infraction

07-21-15 JURY-PRETRIAL CONF. Cancelled.

Reason: Court Ordered

07-21-15 JURY TRIAL Cancelled.

Reason: Court Ordered

07-21-15 Filed: Information/Indictment amended to infraction.

07-21-15 Note: I spoke with counsel and set bench trial. Notice mailed to counsel, copy emailed to city prosecutor.

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CASE NUMBER 141001456 Other Misdemeanor

07-21-15 BENCH TRIAL scheduled on September 02, 2015 at 09:00 AM in
COURTROOM #2 with Judge FARR.

07-21-15 Notice - NOTICE for Case 141001456 ID 10656721
BENCH TRIAL is scheduled.

Date: 09/02/2015

Time: 09:00 a.m.

Location: COURTROOM #2

SANDY CITY JUSTICE CENTER

210 W SEGO LILY DR

SANDY, UT 84070-3282

Before Judge: PAUL C FARR

07-31-15 Note: KRISTINA ZEMAITIENE phoned, updated current address.

08-17-15 Note: KRISTINA ZEMAITIENE called to see if her attorney had
filed a motion to dismiss, also requested information on
obtaining copy of audio recording.

08-17-15 Note: KRISTINA ZEMAITIENE appeared at the window and requested
an audio recording.

08-17-15 Fee Account created Total Due: 10.00

08-17-15 AUDIO TAPE COPY Payment Received: 10.00

08-25-15 Filed: Request for Digital Audio Recording and Certification of
Completion

08-28-15 Filed: Motion to Strike Trial and Convert to Pretrial
Filed by: OVERSON, DARWIN L,

09-01-15 Note: Attorney Overson requested to reschedule the Bench Trial.
Prosecutor stipulates to the Bench Trial being continued.
Rescheduled the Trial with Attorney Overson.

09-01-15 BENCH TRIAL rescheduled to November 04, 2015 at 09:00 AM in
COURTROOM #2 with Judge FARR.

09-01-15 Note: KRISTINA ZEMAITIENE called to ask the date of the court
hearing

09-14-15 Note: KRISTINA ZEMAITIENE called to see what motions had been
filled

10-02-15 Filed: Motion to Dismiss
Filed by: OVERSON, DARWIN L,

10-06-15 Filed order: Defendant's motion is denied. The Motion does not
properly raise issues that can be addressed by a motion to
dismiss. Defendant can raise these matters as a defense at the
time of trial.

Judge PAUL C FARR

Printed: 04/19/19 14:49:59

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CASE NUMBER 141001456 Other Misdemeanor

Signed October 06, 2015

10-06-15 Note: Order faxed to Attorney Overson.

10-13-15 Note: KRISTINA ZEMAITIENE came to window for copy of docket and information.

10-14-15 Filed: Response in Opposition to Defendant's Motion to Dismiss
Filed by: SANDY CITY,

11-04-15 BENCH TRIAL scheduled on January 06, 2016 at 09:00 AM in
COURTROOM #2 with Judge FARR.

11-04-15 Filed: Promise To Appear

11-04-15 Minute Entry - BENCH TRIAL

Judge: PAUL C FARR

PRESENT

Clerk: kristins

Prosecutor: HANKS, R MACKAY

Defendant Present

Defendant's Attorney(s): OVERSON, DARWIN L

Audio

Tape Count: 9:35 AM

Defendant appeared with counsel, city is present.

Bench Trial rescheduled. Promise to Appear signed and filed, copy
e-mailed to prosecutor.

BENCH TRIAL.

Date: 01/06/2016

Time: 09:00 a.m.

Location: COURTROOM #2

SANDY CITY JUSTICE CENTER

210 W SEGO LILY DR

SANDY, UT 84070-3282

Before Judge: PAUL C FARR

11-04-15 Filed order: BENCH TRIAL

Judge PAUL C FARR

Signed November 04, 2015

12-30-15 Filed: Stipulated Motion for Continuance

Filed by: SANDY CITY,

12-31-15 Filed order: City's stipulated motion to continue is granted.

Printed: 04/19/19 14:49:59

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CASE NUMBER 141001456 Other Misdemeanor

Judge PAUL C FARR

Signed December 31, 2015

01-04-16 BENCH TRIAL Cancelled.

Reason: Plaintiff's request.

01-04-16 Note: E-mailed the prosecution to advise of the cancellation.

01-04-16 BENCH TRIAL scheduled on March 02, 2016 at 09:00 AM in
COURTROOM #2 with Judge FARR.

01-04-16 Filed: Notice for Case 141001456 ID 11113735

01-04-16 Note: Spoke with Attorney Overson and scheduled a Bench Trial.
Notice e-mailed to attorney and prosecution.

02-16-16 Filed: Motion to Dismiss with Prejudice

Filed by: ZEMAITIENE, KRISTINA

02-24-16 Ruling Entry - ORDER ON MOTION TO DISMISS

Judge: PAUL C FARR

Defendant is being represented by counsel in this case.

Defendant's motion is not going to be considered by the court.

Defendant is directed to contact her attorney regarding the filing
of any motions.

02-25-16 Note: KRISTINA ZEMAITIENE wanted to know if Judge granted her
motion to dismiss. I told her that we havent heard back
yet

02-25-16 Filed order: ORDER ON MOTION TO DISMISS

Judge PAUL C FARR

Signed February 25, 2016

02-25-16 Note: Order mailed to the defendant.

03-01-16 Note: KRISTINA ZEMAITIENE called to confirm that trial is still
going tomorrow.

03-01-16 Filed: Notice of Withdrawal of Counsel

Filed by: OVERSON, DARWIN L,

03-02-16 Filed: Credentials of Stephanie Lewis, 3rd year law student
intern with Prosecutor's Office.

03-02-16 BENCH TRIAL scheduled on March 04, 2016 at 09:00 AM in
COURTROOM #2 with Judge FARR.

03-02-16 Filed: Promise To Appear

03-02-16 BENCH TRIAL scheduled on May 04, 2016 at 09:00 AM in COURTROOM
#2 with Judge FARR.

03-02-16 Filed: Request for Digital Audio Recording- Submitted Sandy
City Risk Manager

03-02-16 Note: Digital Audio Recording- Request fulfilled. Risk Manager

Printed: 04/19/19 14:49:59

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CASE NUMBER 141001456 Other Misdemeanor

notified.

03-02-16 Minute Entry - BENCH TRIAL

Judge: PAUL C FARR

PRESENT

Clerk: mauriett

Prosecutor: HANKS, R MACKAY

Defendant Present

Defendant's Attorney(s): OVERSON, DARWIN L

Audio

Tape Count: 9:17 AM

Defendant appeared with Counsel, City is present. Motion of defense attorney to withdraw is granted. Attorney Overson informs court that he has made a copy of the file for the defendant. Attorney Overson is excused. Case set for Bench Trial. Promise to Appear signed and filed. City to file response to Defendant's filed Motion to Dismiss by 03/15/2016 and Court will issue a ruling.

BENCH TRIAL.

Date: 05/04/2016

Time: 09:00 a.m.

Location: COURTROOM #2

SANDY CITY JUSTICE CENTER

210 W SEGO LILY DR

SANDY, UT 84070-3282

Before Judge: PAUL C FARR

03-02-16 Filed order: BENCH TRIAL

Judge PAUL C FARR

Signed March 02, 2016

03-08-16 Filed: Notice of Appearance Pro Se

03-08-16 Filed: Amended Motion to Dismiss With Prejudice

Filed by: ZEMAITIENE, KRISTINA

03-24-16 Filed: Affidavit of Bias

Filed by: ZEMAITIENE, KRISTINA

03-24-16 Filed: Motion to Recuse Judge Farr

Filed by: ZEMAITIENE, KRISTINA

Printed: 04/19/19 14:50:00

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CASE NUMBER 141001456 Other Misdemeanor

03-24-16 Filed: Request to Submit for Decision

04-01-16 Filed: Motion for the Production of Exculpatory and Mitigating Evidence

Filed by: ZEMAITIENE, KRISTINA

04-01-16 Filed: Motion for Change of Venue

Filed by: ZEMAITIENE, KRISTINA

04-01-16 Filed: Memorandum in Support of Motion for Change of Venue

04-07-16 Filed: City's Response for Exculpatory and Mitigating Evidence

04-11-16 Filed: Motion for a Bill of Particulars

Filed by: ZEMAITIENE, KRISTINA

04-11-16 Filed: Motion for Jury Trial

Filed by: ZEMAITIENE, KRISTINA

04-11-16 Filed order: Ruling and Order

Judge SYDNEY J MAGID

Signed April 11, 2016

04-11-16 Note: Copy of order emailed to the prosecutor. Copy of order mailed to the Defendant.

04-18-16 Filed order: Order on Defendant's Motions

Judge PAUL C FARR

Signed April 18, 2016

04-19-16 Note: Copy of the Order was mailed to the defendant and e-mailed to the prosecutor.

04-22-16 Filed: Motion to Amend Charge and Strike Bench Trial

Filed by: ZEMAITIENE, KRISTINA

04-25-16 Ruling Entry - ORDER ON MOTION TO AMEND CHARGE & STRIKE

Judge: PAUL C FARR

Defendant's motion is denied. It is the prosecution, not the defendant, that has the right to amend the information.

04-25-16 Filed order: ORDER ON MOTION TO AMEND CHARGE & STRIKE TRIAL

Judge PAUL C FARR

Signed April 25, 2016

04-25-16 Note: Order was mailed to defendant.

04-27-16 Filed: Motion to Dismiss the Charge for Failure to State an Offense Under the Utah State Code

Filed by: ZEMAITIENE, KRISTINA

04-28-16 Ruling Entry - ORDER ON MOTION TO DISMISS

Judge: PAUL C FARR

Defendant's motion is denied.

04-28-16 Filed order: ORDER ON MOTION TO DISMISS

Printed: 04/19/19 14:50:00

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CASE NUMBER 141001456 Other Misdemeanor

Judge PAUL C FARR

Signed April 28, 2016

04-28-16 Note: Order mailed to defendant.

04-29-16 Filed: Appearance of Counsel

04-29-16 Filed: Jury Trial Demand

04-29-16 Filed: Motion to Dismiss Information

Filed by: JOHNSON, R SHANE,

05-04-16 Minute Entry - BENCH TRIAL

Judge: PAUL C FARR

PRESENT

Clerk: mauriett

Prosecutor: HANKS, R MACKAY

Defendant Present

Defendant's Attorney(s): JOHNSON, R SHANE

Audio

Tape Count: 11:44 AM

Defendant appeared with Counsel, City is present.

Defense gives argument in support of motion to continue and motion to amend charges.

City gives statements in support of denying motions.

Motion to amend information to original charges denied.

Motion to continue is denied.

Both parties waive opening statements.

City calls first witness Unified Police Officer Joel Knighton to the stand and is sworn in. Testimony given under direct examination of the prosecution.

Cross examination by the defense.

Re-direct by the City. Witness steps down.

City calls second witness Unified Police Officer Denise Lovendahl to the stand and is sworn in. Testimony given under direct examination of the prosecution.

Cross examination by the defense.

Re-direct by the City. Witness steps down.

Motion to amend information to include correct violation date of 12/27/2014 is granted.

City rests.

Defense motions for directed verdict and gives supporting

CASE NUMBER 141001456 Other Misdemeanor

statements.

City gives rebuttal statements in opposition to directed verdict.

Motion for directed verdict is denied.

Defense calls defendant, Kristina Zemaitiene, to the stand and is sworn in. Testimony given under direct examination by defense attorney.

Cross examination by the City.

No re-direct from the defense. Witness steps down.

Defense rests.

City gives initial closing statement. Defense gives closing statement. City gives rebuttal.

Based on the evidence presented to the court Judge finds the defendant Guilty. Defendant waives time for sentencing. Fine is \$750 with \$600 suspended. Balance of \$150 due by 07/04/2016.

SENTENCE FINE

Charge # 1 Fine: \$750.00
 Suspended: \$600.00
 Surcharge: \$75.93
 Due: \$150.00

 Total Fine: \$750.00
 Total Suspended: \$600.00
 Total Surcharge: \$75.93
 Total Principal Due: \$150.00
 Plus Interest

The fine is to be paid in full by 07/04/2016.

Pay fine to The Court. This can be paid online at:
www.sandy.utah.gov/courtpayment.

05-04-16 Charge 1 Disposition is Guilty - Bench

05-04-16 Fine Account created Total Due: 150.00

05-05-16 Fee Account created Total Due: 0.00

05-05-16 Filed order: BENCH TRIAL

Judge PAUL C FARR

Signed May 05, 2016

05-10-16 Filed: Request for Digital Audio Recording & Completion
 Certification

Printed: 04/19/19 14:50:01

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CASE NUMBER 141001456 Other Misdemeanor

05-12-16 Note: KRISTINA ZEMAITIENE phoned wanted to know how she could get the audio recording, told her she could come in and fill out the form and make the \$10 payment.

05-12-16 Fee Account created Total Due: 10.00

05-12-16 AUDIO TAPE COPY Payment Received: 10.00

 Note: 20.00 cash tendered. 10.00 change given.

05-13-16 Note: Message left at number given to court. Copy of trial audio recording available after 3:30 on 5/13/16.

05-13-16 Filed: Request for Digital Audio Recording & Certification of Completion (KM)

05-18-16 Filed: Notice of Appeal and Motion to Stay Sentence

05-20-16 Filed order: ORDER ON APPEAL/MOTION TO STAY SENTENCE

 Judge PAUL C FARR

 Signed May 20, 2016

05-20-16 Ruling Entry - ORDER ON APPEAL/MOTION TO STAY SENTENCE

 Judge: FARR, PAUL C

 Stay sentence and forward case to the District Court for appeal.

05-20-16 Stay begins: May 20, 2016 Reason: Other

 Note: Sentence Stayed

05-20-16 Note: Order was emailed to Attorney Johnson.

05-26-16 Filed: Transmittal of Appealed Case from Justice Court

05-26-16 Note: File forwarded to West Jordan District Court.

10-10-16 Note: Appealed: Case #161401477

03-27-17 Charge 1 Disposition is Set Aside

03-29-17 Filed: West Jordan 3rd District Court Docket

03-29-17 Interest Account Adjustment Total Due: 0.00

 Reason: Case was disposed on 3/27/17 in the district court on appeal.

03-29-17 Interest Account Adjustment Total Due: 0.00

 Reason: Case was disposed on 3/27/17 in the district court on appeal.

 Stay ends: March 29, 2017

03-29-17 Case Closed

 Disposition Judge is PAUL C FARR

10-15-18 Note: Chastity Ramos from 3rd District Court called to obtain Prosecutors info on case, informed her Mackay Hanks appeared at bench trial. Sandy Prosecutors email address given.

EXHIBIT F

3RD DIST. COURT - WEST JORDAN
SALT LAKE COUNTY, STATE OF UTAH

APPEALED: CASE #20170292

SANDY CITY vs. KRISTINA ZEMAITIENE

CASE NUMBER 161401477 Other Misdemeanor

CHARGES

Charge 1 - 76-8-305 - INTERFERENCE WITH ARRESTING OFFICER Class

B Misdemeanor (amended) to Infraction

Offense Date: December 27, 2014

Disposition: March 27, 2017 Guilty

CURRENT ASSIGNED JUDGE

DIANNA GIBSON

PARTIES

Defendant - KRISTINA ZEMAITIENE

Plaintiff - SANDY CITY

Represented by: DOUGLAS A JOHNSON

DEFENDANT INFORMATION

Defendant Name: KRISTINA ZEMAITIENE

Date of Birth: March 07, 1976

Law Enforcement Agency: UNIFIED FIRE AUTHORI

Prosecuting Agency: SANDY CITY

Citation Number: L10600877

ACCOUNT SUMMARY

| | | |
|-----------------------------|--------------------|--------|
| TOTAL REVENUE | Amount Due: | 174.43 |
| | Amount Paid: | 41.00 |
| | Credit: | 133.43 |
| | Balance: | 0.00 |
| TRUST TOTALS | Trust Due: | 37.00 |
| | Amount Paid: | 37.00 |
| | Credit: | 0.00 |
| | Trust Balance Due: | 0.00 |
| | Balance Payable: | 0.00 |
| REVENUE DETAIL - TYPE: FINE | | |
| | Amount Due: | 150.00 |
| | Amount Paid: | 16.57 |
| | Amount Credit: | 133.43 |

Printed: 04/19/19 14:35:46

Page 1

CASE NUMBER 161401477 Other Misdemeanor

| | |
|---------------------------------|-------------------------------|
| Balance: | 0.00 |
| REVENUE DETAIL - TYPE: COPY FEE | |
| Amount Due: | 1.50 |
| Amount Paid: | 1.50 |
| Amount Credit: | 0.00 |
| Balance: | 0.00 |
| REVENUE DETAIL - TYPE: COPY FEE | |
| Amount Due: | 0.75 |
| Amount Paid: | 0.75 |
| Amount Credit: | 0.00 |
| Balance: | 0.00 |
| REVENUE DETAIL - TYPE: COPY FEE | |
| Amount Due: | 1.75 |
| Amount Paid: | 1.75 |
| Amount Credit: | 0.00 |
| Balance: | 0.00 |
| REVENUE DETAIL - TYPE: COPY FEE | |
| Amount Due: | 2.50 |
| Amount Paid: | 2.50 |
| Amount Credit: | 0.00 |
| Balance: | 0.00 |
| REVENUE DETAIL - TYPE: INTEREST | |
| Amount Paid: | 3.43 |
| Amount Credit: | 0.00 |
| Balance: | 0.00 |
| Account Adjustments | |
| Date | Amount Reason |
| Jan 31, 2018 | 3.94 Interest Posted to Date |
| Jan 31, 2018 | -0.51 Credit for 15hrs of c/s |
| REVENUE DETAIL - TYPE: COPY FEE | |
| Amount Due: | 2.50 |
| Amount Paid: | 2.50 |
| Amount Credit: | 0.00 |
| Balance: | 0.00 |
| REVENUE DETAIL - TYPE: COPY FEE | |
| Amount Due: | 2.75 |
| Amount Paid: | 2.75 |
| Amount Credit: | 0.00 |
| Balance: | 0.00 |

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CASE NUMBER 161401477 Other Misdemeanor

REVENUE DETAIL - TYPE: CERTIFIED COPIES

| | |
|----------------|------|
| Amount Due: | 1.00 |
| Amount Paid: | 1.00 |
| Amount Credit: | 0.00 |
| Balance: | 0.00 |

REVENUE DETAIL - TYPE: COPY FEE

| | |
|----------------|------|
| Amount Due: | 3.25 |
| Amount Paid: | 3.25 |
| Amount Credit: | 0.00 |
| Balance: | 0.00 |

REVENUE DETAIL - TYPE: CERTIFICATION

| | |
|----------------|------|
| Amount Due: | 4.00 |
| Amount Paid: | 4.00 |
| Amount Credit: | 0.00 |
| Balance: | 0.00 |

REVENUE DETAIL - TYPE: COPY FEE

| | |
|----------------|------|
| Amount Due: | 0.50 |
| Amount Paid: | 0.50 |
| Amount Credit: | 0.00 |
| Balance: | 0.00 |

REVENUE DETAIL - TYPE: COPY FEE

| | |
|----------------|------|
| Amount Due: | 0.50 |
| Amount Paid: | 0.50 |
| Amount Credit: | 0.00 |
| Balance: | 0.00 |

REVENUE DETAIL - TYPE: AUDIO TAPE COPY

| | |
|----------------------|-------|
| Original Amount Due: | 10.00 |
| Amended Amount Due: | 0.00 |
| Amount Paid: | 0.00 |
| Amount Credit: | 0.00 |
| Balance: | 0.00 |

Account Adjustments

| Date | Amount | Reason |
|--------------|--------|------------------|
| Sep 06, 2017 | -10.00 | created in error |

TRUST DETAIL

Trust Description: Other Trust

Recipient: SANDY CITY

Amount Due: 37.00

Paid In: 37.00

CASE NUMBER 161401477 Other Misdemeanor

Paid Out: 37.00

CASE NOTE

Appeal from Sandy City Justice Court #141001456

PROCEEDINGS

05-26-16 Case filed

05-26-16 Filed: From an Information

05-26-16 Judge CHARLENE BARLOW assigned.

05-26-16 Filed: Information

05-26-16 **** PRIVATE **** Filed: Citation (copy)

05-26-16 Filed: Notice of Appeal and motion to stay sentence

05-26-16 Filed: Certified Court docket of Sandy City Justice Court case

05-26-16 PRETRIAL CONFERENCE scheduled on June 27, 2016 at 08:30 AM in
WJ Courtroom 37 with Judge BARLOW.

05-26-16 Notice - NOTICE for Case 161401477 ID 17472131

PRETRIAL CONFERENCE is scheduled.

Date: 06/27/2016

Time: 08:30 a.m.

Location: WJ Courtroom 37

8080 S REDWOOD ROAD

SUITE 1701

WEST JORDAN, UT 84088

Before Judge: CHARLENE BARLOW

Notice is hereby given that if you fail to appear at this hearing,
the court may dismiss your appeal and remand this case back to the
Justice Court.

05-26-16 Filed: Notice for Case 161401477 ID 17472131

06-14-16 Filed: INFORMATION

06-14-16 Filed: Return of Electronic Notification

06-18-16 Filed: Demand for Jury Trial - Criminal: Demand for Jury Trial
- Criminal

06-18-16 Filed: Return of Electronic Notification

06-27-16 MOTION HEARING scheduled on August 22, 2016 at 08:30 AM in WJ
Courtroom 36 with Judge BRERETON.

06-27-16 Minute Entry - PRETRIAL CONFERENCE

Judge: CHARLENE BARLOW

PRESENT

Clerk: karleec

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CASE NUMBER 161401477 Other Misdemeanor

Prosecutor: DOUGLAS A JOHNSON
Defendant Present
Defendant's Attorney(s): R SHANE JOHNSON

Audio

Tape Number: 37 Tape Count: 8:48-49

Counsel requests a motion hearing for oral arguments.

MOTION HEARING is scheduled.

Date: 08/22/2016

Time: 08:30 a.m.

Location: WJ Courtroom 37

8080 S REDWOOD ROAD

SUITE 1701

WEST JORDAN, UT 84088

Before Judge: CHARLENE BARLOW

07-02-16 Judge HEATHER BRERETON assigned.

07-15-16 Filed: Motion to Withdraw Objection to Defendants Jury Demand
Filed by: SANDY CITY,

07-15-16 Filed: Return of Electronic Notification

08-07-16 Filed: Motion to Suppress Miranda
Filed by: ZEMAITIENE, KRISTINA

08-07-16 Filed: Return of Electronic Notification

08-22-16 Filed: Motion to dismiss

Filed by: ZEMAITIENE, KRISTINA

08-22-16 Filed: Return of Electronic Notification

08-22-16 MOTION HEARING/JURY REQUEST continued to September 26, 2016 at
01:30 PM in WJ Courtroom 36 with Judge BRERETON.

08-22-16 Minute Entry - CONTINUANCE

Judge: HEATHER BRERETON

PRESENT

Clerk: karleec

Prosecutor: DOUGLAS A JOHNSON

Defendant Present

Defendant's Attorney(s): R SHANE JOHNSON

Audio

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CASE NUMBER 161401477 Other Misdemeanor

Tape Number: 36 Tape Count: 8:53-9:00

CONTINUANCE

Whose Motion:

The Defendant's counsel R SHANE JOHNSON.

Reason for continuance:

Request of counsel

MOTION HEARING/JURY REQUEST is scheduled.

Date: 09/26/2016

Time: 01:30 p.m.

Location: WJ Courtroom 36

8080 S REDWOOD ROAD

SUITE 1701

WEST JORDAN, UT 84088

Before Judge: HEATHER BRERETON

09-26-16 ORAL ARGUMENT M-DISMISS scheduled on October 17, 2016 at 01:30 PM in WJ Courtroom 36 with Judge BRERETON.

09-26-16 Minute Entry - MOTION HEARING/JURY REQUEST

Judge: HEATHER BRERETON

PRESENT

Clerk: chasityh

Prosecutor: DOUGLAS A JOHNSON

Defendant Present

Defendant's Attorney(s): R SHANE JOHNSON

Audio

Tape Number: 36 Tape Count: 1338

Court orders pursuant to statute, court denies request for Jury Trial. Set for Oral Argument on M-Dismiss.

ORAL ARGUMENT M-DISMISS is scheduled.

Date: 10/17/2016

Time: 01:30 p.m.

Location: WJ Courtroom 36

8080 S REDWOOD ROAD

SUITE 1701

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CASE NUMBER 161401477 Other Misdemeanor

WEST JORDAN, UT 84088

Before Judge: HEATHER BRERETON

09-26-16 Filed: Motion in Opposition to Defendants Motion to Dismiss

Filed by: SANDY CITY,

09-26-16 Filed: Return of Electronic Notification

10-03-16 Filed: Motion to dismiss

Filed by: ZEMAITIENE, KRISTINA

10-03-16 Filed: Return of Electronic Notification

10-17-16 1/2 DAY BENCH TRIAL scheduled on January 23, 2017 at 01:30 PM
in WJ Courtroom 36 with Judge BRERETON.

10-17-16 Minute Entry - ORAL ARGUMENT

Judge: HEATHER BRERETON

PRESENT

Clerk: chasityh

Prosecutor: DOUGLAS A JOHNSON

Defendant Present

Defendant's Attorney(s): R SHANE JOHNSON

Audio

Tape Number: 36 Tape Count: 1342-1429

1342: On the record

1344: ATD agrument

1404: City agrument

1412: ATD rebuttal

1422: Court denies motion on both bases. Court denies Motion for selective prosecution. Court finds that the other defendant was prosecuted.

1425: City to be given 2 weeks to respond (10/31). ATD to be given 2 weeks to respond (11/7). Court to issue written ruling.

1429: City requested set Trial date. Court set for Bench Trial. ATD to file Request to submit.

CASE NUMBER 161401477 Other Misdemeanor

1/2 DAY BENCH TRIAL is scheduled.

Date: 01/23/2017

Time: 01:30 p.m.

Location: WJ Courtroom 36

8080 S REDWOOD ROAD

SUITE 1701

WEST JORDAN, UT 84088

Before Judge: HEATHER BRERETON

10-31-16 Filed: Objection to Objection to Defendants Motion to Dismiss
includes Memorandum

10-31-16 Filed: Return of Electronic Notification

11-08-16 Filed: Reply

11-08-16 Filed: Request/Notice to Submit Motion to dismiss

11-08-16 Filed: Return of Electronic Notification

11-08-16 Filed: Return of Electronic Notification

11-16-16 Note: RTS given to the judge

12-01-16 Filed order: Ruling

Judge HEATHER BRERETON

Signed December 01, 2016

12-13-16 Filed: Notice of Appearance Pro Se

12-13-16 Filed: Motion for Appropriate Relief

Filed by: ZEMAITIENE, KRISTINA

12-13-16 Filed: Exhibits A, B, C, D, & F

12-13-16 Filed: Motion to Recuse Judge Brereton

Filed by: ZEMAITIENE, KRISTINA

12-13-16 Filed: Affidavit of Kristina Zemaitiene

12-13-16 Fee Account created Total Due: 1.50

12-13-16 COPY FEE Payment Received: 1.50

12-13-16 Filed order: Minute Entry Regarding Defendant's Motion to
Recuse

Judge HEATHER BRERETON

Signed December 13, 2016

12-13-16 Filed: Certificate of Notification on Minute Entry Regarding
Defendant's Motion to Recuse

12-14-16 Note: 12/13 minute entry to Judge Harris

12-14-16 Filed order: Minute Entry from Judge Harris-Motion to Recuse
DENIED

Judge RYAN M HARRIS

Printed: 04/19/19 14:35:47

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CASE NUMBER 161401477 Other Misdemeanor

Signed December 14, 2016

12-14-16 Note: Copy of Judge Harris' minute entry to Judge Brereton.

12-29-16 Fee Account created Total Due: 0.75

12-29-16 COPY FEE Payment Received: 0.75

12-29-16 Filed: Demand for Jury Trial

12-29-16 Filed: Motion to Dismiss

Filed by: ZEMAITIENE, KRISTINA

12-29-16 Note: Demand and Motion placed in Judge Brereton's box. mc

01-23-17 Fee Account created Total Due: 1.75

01-23-17 COPY FEE Payment Received: 1.75

01-23-17 BENCH TRIAL 2 scheduled on March 27, 2017 at 01:30 PM in WJ
Courtroom 36 with Judge BRERETON.

01-23-17 Trust Account created Total Due: 37.00

01-23-17 Minute Entry - BENCH TRIAL

Judge: HEATHER BRERETON

PRESENT

Clerk: chasityh

Prosecutor: DOUGLAS A JOHNSON

Defendant Present

Audio

Tape Number: 36 Tape Count: 1334-1417

1334: On the record, all parties present.

1335: Defendant makes motion for continuance to retain private
counsel and interpreter.

1337: Mr. Johnson's objection to argument on motion to continue.

1356: Court grants motion to continue base on request for
Lithuanian interpreter. Court ordered Ms. Zemaitiene to pay
witness fees of \$37 prior to next court date.

1357: Court reviews: Motion for Appropriate Relief, Motion for Jury
Trial, and Motion to Dismiss. Court denies all motions and ruling
on motions read onto the court record.

1415: Court orders if defendant needs help with subpoenas to notify

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CASE NUMBER 161401477 Other Misdemeanor

the court no later than 2/6/17.

1417: Court adjourned.

Other Trust Amount: \$37.00 Plus Interest
Pay in behalf of: SANDY CITY

SENTENCE TRUST NOTE

Witness Fees for Bench Trial - 1/23/17

BENCH TRIAL 2 is scheduled.

Date: 03/27/2017

Time: 01:30 p.m.

Location: WJ Courtroom 36

8080 S REDWOOD ROAD

SUITE 1701

WEST JORDAN, UT 84088

Before Judge: HEATHER BRERETON

| | | | |
|----------|---|-------------------|-------|
| 01-24-17 | Fee Account created | Total Due: | 2.50 |
| 01-24-17 | COPY FEE | Payment Received: | 2.50 |
| 01-31-17 | Fee Account created | Total Due: | 3.43 |
| 02-01-17 | Filed: TRANSCRIPT for Hearing of 01-23-2017 | | |
| 02-10-17 | Filed: Motion to Compel Court Clerk to Issue a Subpoena | | |
| | Filed by: ZEMAITIENE, KRISTINA | | |
| 02-21-17 | Filed: Petition for Writ of Extraordinary Relief | | |
| 02-21-17 | Filed: Memorandum of Points and Authorities in Support of Petition for Writ of Extraordinary Relief. | | |
| 02-24-17 | Issued: Subpoena - Hernan Castagnoli | | |
| | Judge HEATHER BRERETON | | |
| | Hearing Date: March 27, 2017 | Time: | 13:30 |
| 02-24-17 | Filed: Motion to Stay Proceedings Pending Appeal | | |
| | Filed by: ZEMAITIENE, KRISTINA | | |
| 03-03-17 | Filed return: Return on Subpoena | | |
| | Party Served: Hernan | | |
| | Service Type: Personal | | |

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CASE NUMBER 161401477 Other Misdemeanor

Service Date: February 25, 2017

03-07-17 Filed: OBJECTION TO SUBPOENA

03-07-17 Filed: Motion to Compel Compliance With the Subpoena

Filed by: ZEMAITIENE, KRISTINA

03-07-17 Note: Objection and Motion placed in Judge Brereton's box
downstairs. mc

03-08-17 Filed order: Ruling on Objection to Subpoena

Judge HEATHER BRERETON

Signed March 08, 2017

03-10-17 Issued: Subpoena

Judge HEATHER BRERETON

Hearing Date: March 27, 2017 Time: 13:30

03-10-17 Filed: Expedited Request to Submit for Decision (Motion to
Compel Compliance)

03-10-17 Filed: Expedited Request to Submit for Decision (Motion to Stay
Proceedings Pending Appeal)

03-10-17 Issued: Subpoena

Clerk juliexh

03-13-17 Note: Put proposed orders on Motion to Compel & Motion to Stay
Proceedings in Mike's basket for processing.

03-13-17 Note: The orders submitted had the word PROPOSED in the title
and are not acceptable by court standards. I tried
calling with no answer or vm. I sent an email asking for
resubmission without PROPOSED on the orders. mc

03-16-17 Note: The proposed Order on Motion to Stay Proceedings Pending
Appeal put in gate keeper's basket for processing.

03-17-17 Note: Order on Motion to Stay Proceedings Pending Appeal placed
in Judge Brereton's box downstairs. mc

03-20-17 Filed: Appellate Court Document, Order by the Utah Court of
Appeals, the petition is denied

03-21-17 Filed order: Order on motion to stay proceedings pending appeal
is denied

Judge HEATHER BRERETON

Signed March 21, 2017

03-21-17 Fee Account created Total Due: 2.50

03-21-17 COPY FEE Payment Received: 2.50

Note: 20.00 cash tendered. 17.50 change given.

03-22-17 Fee Account created Total Due: 2.75

03-22-17 COPY FEE Payment Received: 2.75

Printed: 04/19/19 14:35:47

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CASE NUMBER 161401477 Other Misdemeanor

03-24-17 Filed: Appellate Court Document, letter by the Supreme Court of Utah a Writ of Certiorari has been filed the case number is 20170116

03-27-17 Charge 1 amended to Infraction

03-27-17 Charge 1 Disposition is Guilty

03-27-17 SENTENCING/APPEAL scheduled on April 17, 2017 at 08:30 AM in WJ Courtroom 36 with Judge BRERETON.

03-27-17 Minute Entry - BENCH TRIAL

Judge: HEATHER BRERETON

PRESENT

Clerk: chasityh

Prosecutor: JOHNSON, DOUGLAS A

Defendant Present

Audio

Tape Number: 36 Tape Count: 1407-1635

1407: On the record, all parties are present.

1407: Issue re: interpreter addressed.

1411: Defendant declines interpreter.

1413: Defendant make motion re: Stay. City declines motion.

1417: Court denies motion to stay while writ is pending.

1420: City waives opening statement.

1420: Defendants opening statement.

1422: City calls 1st witness, Denise Ikemiyashiro

1424: Witness Denise Lovenhol, sworn-in and testifies.

1430: Defendant crosses.

1457: City declines redirect.

CASE NUMBER 161401477 Other Misdemeanor

1458: City rests.

1458: Defendant calls 1st witness, Officer Knighton, sworn-in and testifies.

1509: Defendant makes motion for interpreter, court denies.

1529: Court takes brief recess.

1535: On the record. Defendant declines to continue.

1541: Witness retakes the stand. Defendant continues with direct.

1550: City declines to cross.

1550: Defendant calls 2nd witness, Mr. Hernan Castagnoli, sworn-in and testifies.

1401: City declines to cross. Witness excused.

1601: Defendant, Ms. Zemaitiene sworn-in and testifies.

1612: City crosses.

1616: Defendant rests.

1614: City declines rebuttal and waives closing argument.

1616: Defendants closing argument.

1627: City closing rebuttal.

1629: Court finds in favor of the City and reads findings onto the record. Court finds defendant guilty.

1635: Defendant declines to be sentenced today. Set for Sentencing.

1635: Court adjourned.

CASE NUMBER 161401477 Other Misdemeanor

SENTENCING/APPEAL is scheduled.

Date: 04/17/2017

Time: 08:30 a.m.

Location: WJ Courtroom 36

8080 S REDWOOD ROAD

SUITE 1701

WEST JORDAN, UT 84088

Before Judge: HEATHER BRERETON

| | | |
|--|-------------------|--------|
| 04-10-17 Fee Account created | Total Due: | 1.00 |
| 04-10-17 Fee Account created | Total Due: | 3.25 |
| 04-10-17 Fee Account created | Total Due: | 4.00 |
| 04-10-17 CERTIFIED COPIES | Payment Received: | 1.00 |
| Note: 20.00 cash tendered. 11.75 change given. | | |
| 04-10-17 COPY FEE | Payment Received: | 3.25 |
| 04-10-17 CERTIFICATION | Payment Received: | 4.00 |
| 04-17-17 Fine Account created | Total Due: | 150.00 |
| 04-17-17 Minute Entry - SENTENCE, JUDGMENT, COMMITMENT | | |

Judge: HEATHER BRERETON

PRESENT

Clerk: kathersd

Prosecutor: DOUGLAS A JOHNSON

Defendant Present

Audio

Tape Number: 36 Tape Count: 9:24-9:28

SENTENCE FINE

| | |
|------------|--------------------|
| Charge # 1 | Fine: \$150.00 |
| | Suspended: \$0.00 |
| | Surcharge: \$63.33 |
| | Due: \$150.00 |

Total Fine: \$150.00

Total Suspended: \$0

Total Surcharge: \$63.33

Printed: 04/19/19 14:35:49

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CASE NUMBER 161401477 Other Misdemeanor

Total Principal Due: \$150.00

Plus Interest

SCHEDULED TIMEPAY

The following cases are on timepay 161401477.

The defendant is to pay \$20.00 monthly on the 15th.

The number of payments scheduled is 9 plus a final payment of \$9.54.

The first payment is due on 05/15/2017 the final payment of \$9.54 is due on 02/15/2018. The final payment may vary based on interest.

Pay fine to The Court. This can be paid online at:
www.utcourts.gov/epayments.

Defendant moves to stay sentence pending appeal. The Court denies this motion.

04-17-17 Note: Added to payment schedule 1060123661

04-17-17 Filed order: SENTENCE, JUDGMENT, COMMITMENT

Judge HEATHER BRERETON

Signed April 17, 2017

04-17-17 Filed: Notice of Appeal

04-17-17 Filed: Motion TO STAY SENTENCE

Filed by: ZEMAITIENE, KRISTINA

04-17-17 Judgment Entered - Amount \$150.00

| | | |
|------------------------------|------------|------|
| 04-17-17 Fee Account created | Total Due: | 0.50 |
|------------------------------|------------|------|

| | | |
|-------------------|-------------------|------|
| 04-17-17 COPY FEE | Payment Received: | 0.50 |
|-------------------|-------------------|------|

| | | |
|------------------------------|------------|------|
| 04-17-17 Fee Account created | Total Due: | 0.50 |
|------------------------------|------------|------|

| | | |
|-------------------|-------------------|------|
| 04-17-17 COPY FEE | Payment Received: | 0.50 |
|-------------------|-------------------|------|

04-17-17 Charge 1 Plea removed.

04-17-17 Minute Entry - AMENDED: SENTENCE, JUDGMENT, COMMITMENT

Judge: HEATHER BRERETON

PRESENT

Clerk: kathersed

Prosecutor: DOUGLAS A JOHNSON

Defendant Present

Audio

Tape Number: 36 Tape Count: 9:24-9:28

CASE NUMBER 161401477 Other Misdemeanor

SENTENCE FINE

Charge # 1 Fine: \$150.00
 Suspended: \$0.00
 Surcharge: \$63.33
 Due: \$150.00

 Total Fine: \$150.00
 Total Suspended: \$0
 Total Surcharge: \$63.33
Total Principal Due: \$150.00
 Plus Interest

SCHEDULED TIMEPAY

The following cases are on timepay 161401477.
The defendant is to pay \$20.00 monthly on the 15th.
The number of payments scheduled is 9 plus a final payment of \$9.54.
The first payment is due on 05/15/2017 the final payment of \$9.54 is due on 02/15/2018. The final payment may vary based on interest.

Pay fine to The Court. This can be paid online at:
www.utcourts.gov/epayments.

Defendant moves to stay sentence pending appeal. The Court denies this motion.

04-17-17 Filed order: AMENDED: SENTENCE, JUDGMENT, COMMITMENT

Judge HEATHER BRERETON

Signed April 17, 2017

04-18-17 Ruling Entry - MINUTE ENTRY

Judge: HEATHER BRERETON

The court denied the motion to stay sentence in court.

CERTIFICATE OF NOTIFICATION

I certify that a copy of the attached document was sent to the following people for case 161401477 by the method and on the date specified.

MAIL: KRISTINA ZEMAITIENE PO BOX 213 SANDY, UT 84091

CASE NUMBER 161401477 Other Misdemeanor

EMAIL: DOUGLAS A JOHNSON sandypros@sandy.utah.gov

04/18/2017

/s/ LORI WINEGAR

Date: _____

Deputy Court Clerk

04-18-17 Filed order: MINUTE ENTRY

Judge HEATHER BRERETON

Signed April 18, 2017

04-18-17 Filed: Appellate Court Document, Letter from the Utah Court of Appeals the case number is 20170292

04-18-17 Note: Appealed: Case #20170292

04-19-17 **** PRIVATE **** Filed: Motion to Waive Fees

04-19-17 **** PRIVATE **** Filed: Affidavit Supporting Motion to Wa

04-20-17 Note: Put order in Mike's basket. rg

04-20-17 Note: Order on Motion to Waive Fees placed in Judge Brereton's box downstairs. mc

04-28-17 Filed order: Order on Motion to Waive Fees

Judge HEATHER BRERETON

Signed April 28, 2017

05-06-17 Other Trust Payment Received: 20.00

05-18-17 Filed: Motion to Amend the Order to Waive Fees

Filed by: ZEMAITIENE, KRISTINA

05-19-17 Filed: Appellate Court Document, Order by the Supreme Court of Utah, the Writ of Certiorari is denied.

05-24-17 Filed: Appellate Court Document, Order by the Supreme Court of Utah the Petition for Writ of Certiorari is denied

05-24-17 Filed: Appellate Court Document, Notice of Decision

05-24-17 Filed: Appellate Court Document, Remittitur by the Utah Court of Appeals

06-14-17 Filed: TRANSCRIPT for Hearing of 03-27-2017

07-28-17 Note: Paginated Appeal uploaded to COA

09-06-17 Fee Account created Total Due: 10.00

09-06-17 AUDIO TAPE COPY Account Adjustment Total Due: 0.00

09-06-17 AUDIO TAPE COPY Account Adjustment Total Due: 0.00

Reason: created in error

09-07-17 Note: Audio request completed, emailed to requestor

Printed: 04/19/19 14:35:50

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CASE NUMBER 161401477 Other Misdemeanor

10-10-17 Filed: Violation, Warrant Ref Case 161401477

10-17-17 Note: DEF came in stating she was having problems financially
and unable to make a payment.

11-06-17 Filed: Motion to Modify Sentence

Filed by: ZEMAITIENE, KRISTINA

11-08-17 Notice - NOTICE for Case 161401477 ID 18679025

MOTION TO MODIFY is scheduled.

Date: 11/27/2017

Time: 08:30 a.m.

Location: WJ Courtroom 36

8080 S REDWOOD ROAD

SUITE 1701

WEST JORDAN, UT 84088

Before Judge: HEATHER BRERETON

11-08-17 MOTION TO MODIFY scheduled on November 27, 2017 at 08:30 AM in
WJ Courtroom 36 with Judge BRERETON.

11-08-17 Filed: Notice for Case 161401477 MO: Judge HEATHER BRERETON

11-27-17 Minute Entry - MOTION TO MODIFY

Judge: HEATHER BRERETON

PRESENT

Clerk: kathersd

Prosecutor: DOUGLAS A JOHNSON

Defendant Present

The defendant is not in custody

Audio

Tape Number: 36 Tape Count: 10:02-10:05

The matter comes before the Court on Defendant's motion to modify
sentence.

The Court rules that Defendant's sentence to allow Defendant to
complete community service hours in lieu of fine. Court will credit
Defendant at a rate of \$10 per hour of community service towards
the fine.

Defendant is to complete community service at a rate of 5 hours per
month, due the first of each month beginning 1/01/2018.

CASE NUMBER 161401477 Other Misdemeanor

11-27-17 Filed order: MOTION TO MODIFY

Judge HEATHER BRERETON

Signed November 27, 2017

| | | | |
|--|-------|-------------------|--------|
| 12-04-17 Other Trust Check # | 51241 | Trust Payout: | 20.00 |
| 12-05-17 Other Trust | | Payment Received: | 17.00 |
| 12-05-17 INTEREST | | Payment Received: | 3.00 |
| 12-12-17 Other Trust Check # | 51253 | Trust Payout: | 17.00 |
| 12-13-17 INTEREST | | Payment Received: | 0.43 |
| 12-13-17 Fine | | Payment Received: | 16.57 |
| 12-13-17 Filed: Appellate Court Document, Order of Dismissal by the Utah Court of Appeals | | | |
| 01-16-18 Filed: Appellate Court Document, letter by the Supreme Court of Utah, a petition for Writ of Certiorari was filed the case number is 20180027 | | | |
| 01-29-18 Filed: Community Service hours | | | |
| 01-31-18 Note: Credit for 15 hours of community service d: 1/2/18-1/17/18. | | | |
| 01-31-18 Fine | | Payment Received: | 0.00 |
| | | Credit Received: | 133.43 |
| Note: Community Service | | | |
| 01-31-18 INTEREST Account Adjustment | | Total Due: | 3.43 |
| Reason: Credit for 15hrs of c/s | | | |
| 01-31-18 Judgment #1 Modified \$ 150.00 Disposition: Satisfied | | | |
| 02-22-18 Case Closed | | | |
| Disposition Judge is HEATHER BRERETON | | | |
| 04-02-18 Filed: Appellate Court Document/Order by Supreme Court- Writ of Certiorari is Denied | | | |
| 04-03-18 Filed: Appellate Court Document-Notice of Decision from Supreme Court | | | |
| 04-12-18 Filed: Appellate Court Document, Order of Dismissal by the Utah Court of Appeals | | | |
| 04-12-18 Filed: Appellate Court Document, Remittitur by the Utah Court of Appeals | | | |
| 01-11-19 Judge DIANNA GIBSON assigned. | | | |